

PROCEDURE FOR REQUESTING AN EASEMENT RELEASE
Effective JULY 18, 2012

The following information is **“required”** to process your easement release request. ***Please use as a “checklist” to insure all materials are submitted, to help expedite your request:***

- _____ Please insure the area to be released lies within the City’s “full purpose” jurisdiction, if the easement was dedicated by plat.
- _____ Easements dedicated by Plat in the **ETJ** are handled by Travis County - 512-854-9383.
- _____ If you are serviced by Pedernales Electric Cooperative (PEC), they require a \$300.00 easement release review fee. Please contact Kay Jeanes at 394-9136, Ext. 7924. PEC will mail their easement release document to you to record. Please provide a copy of the document or bring the original document to our office and we will record along with the easement release. ***The City’s process will not be complete without this documentation.***
- _____ Transmittal letter should include the following: purpose for the request, how the easement was dedicated to the City (by plat or separate instrument), and **justification** for the easement release request.
- _____ S.M.A.R.T. Housing Projects – to be eligible for an application fee waiver, we must be provided with a copy of your SMART Housing Certification (Neighborhood Housing 4-10-07).
- _____ A completed application (attached), if any section of the application does not apply, leave blank (see attached “Example”). To obtain your “Parcel Number” you can contact the appropriate appraisal district by calling: Travis County (834-9138), Hays County (512-268-2522) or Williamson County (512-930-0255).

NOTE: If an easement is dedicated to the City of Austin by one landowner and later re-subdivided into multiple lots with multiple landowners, this will require multiple applications. The easement cannot be released under one application.

- _____ A \$435.00 **non-refundable** processing fee payable to the City of Austin, ***if paying by “personal check” please write date of birth and drivers license number.*** This fee was established by Ordinance Number 910110-J, Section 13-1-952 to be paid by all applicants, including governmental entities.
- _____ Instructions for Surveyor **(See EXHIBIT A).**
- _____ A copy of the “recorded” easement document to be released, if applicable.
- _____ A copy of the “recorded” Deed showing the current property owner (i.e. Warranty Deed, Special Warranty Deed or General Warranty Deed).
- _____ A copy of the “recorded” Plat including plat notes.
- _____ If the Plat has been Re-subdivided, we will need:
 - 1) A copy of the Original Recorded Plat; and
 - 2) A copy of the “recorded” Resubdivision, including plat notes.

_____ **For release of Drainage Easements or Public Utility & Drainage Easements, refer to the section related to these easements for additional information (Page 2)**

- _____ For release of public utility easements in the floodplain, please refer to the **Floodplain Hotline: floodpro@austintexas.gov, 974-2843 or GIS at: <http://www.austintexas.gov/departments/gis-and-maps>.** ***PUE’s in the floodplain will not be released.*** These requirements should be verified before having your survey prepared and submitting your application.

- _____ Easements granted by Restrictive Covenants or Declaration of Easements will be referred to the Law Department for review before it will be processed.
- _____ If a **“NEW”** easement is to be dedicated to replace the existing easement being released, please provide necessary information shown on **EXHIBIT B**. Our office will record the new easement along with the easement release.

Release of Drainage Easements or Public Utility & Drainage Easements (or any other combination with a drainage easement).

The Watershed Protection Department and Planning & Development Review Department require the following items to be submitted to perform the review of your request.

Non-submittal of the following information may delay the review of the easement release request:

- 1) Provide or demonstrate the original justification for the existing drainage easement;
- 2) Provide proof, from a licensed civil engineer, that the release of said easement will not create adverse impacts to surrounding properties;
- 3) Provide a solution, replacement or relocation of the existing drainage and utility facility.
- 4) Provide **3 sets of legible copies of the necessary backup for the items listed above.**

This includes but not limited to:

Building plans, engineering calculations and reports, floodplain maps, site plans and subdivision plans.

Please refer to Land Development Code 25-7-152 and the Drainage Criteria Manual Section 1 regarding general requirements for drainage easements. For assistance with researching or obtaining the above information, please contact the Development Assistance Center at (512) 974-6370.

Upon receipt of the above items, your request will be forwarded to various departments and franchise holders for a **two-week review period**. Assuming favorable comments, the release document will be prepared for execution and recording.

In the event of a negative response, you will be notified immediately to clear the comments. **You will be given “four (4) weeks” to clear ALL necessary comments.**

NOTE: *The City of Austin will no longer place files on HOLD “indefinitely” for “denials” received by any reviewer. Files will also be closed for lack of activity and you will have to reapply, if you choose to pursue your request.*

Please schedule an appointment *between the hours of 10 a.m. – 4:00 p.m.* by contacting us by phone or email

Jennifer Grant - 974-7991

or

Chris Muraida - 974-7191

Email address: **Landmanagement@austintexas.gov**

Submit your application to: City of Austin - Office of Real Estate Services
505 Barton Springs Road, Suite 1350
Austin, Texas 78704
Attn: *Jennifer Grant or Chris Muraida*

APPLICATION FOR EASEMENT RELEASES

File No. _____

Department Use Only

DATE: _____

Department Use Only

TYPE OF EASEMENT TO BE RELEASED

Type of Release: Full or Partial: SF: _____ or Acreage: _____ By: Document or Plat
Type of Easement: _____
Recorded in: Volume: _____, Page: _____, Document No.: _____
County Records: _____; Deed Plat Real Property or Official Public (circle one)
Property address: _____
Purpose for release: _____

PROPERTY DESCRIPTION OF AREA TO BE RELEASED

Appraisal District Parcel #: _____
Survey & Abstract No.: _____
Lot(s): _____ Block: _____ Outlot: _____
Subdivision Name: _____
Plat Book/Volume: _____ Page Number: _____ Document Number: _____
Conveyed to: _____
Conveyed by (type of deed): _____ Dated: _____
Volume: _____ Page Number: _____ Document Number: _____
County/Records: _____; Deed Real Property or Official Public (circle one)

RELATED CASES

Existing Site Plan (circle one): YES / NO
Subdivision: Case (circle one): YES / NO

FILE NUMBERS

PROJECT NAME, if applicable:

Is this a S.M.A.R.T. Housing Project (circle one): YES / NO
Name of Development Project: _____

OWNER INFORMATION

Name: _____ (as shown on Deed)
Contact Person/Title: _____
Address: _____ Phone: (____) _____ Fax No.: (____) _____
City: _____ County: _____ State: _____ Zip Code: _____
EMAIL ADDRESS: _____
(If multiple owners own the property to be released, please provide complete names and addresses for each owner, a separate sheet may be attached.)

APPLICANT INFORMATION

Name: _____
Firm Name: _____
Address: _____ Phone: (____) _____ Fax No.: (____) _____
City: _____ State: _____ Zip Code: _____
EMAIL ADDRESS: _____

The undersigned Landowner/Applicant understands that processing of this Easement Release Application will be handled in accordance with the Procedures for Requesting an Easement Release. It is further understood that acceptance of this application and fee in no way obligates the City to release the subject area.

Signed By: _____
Landowner/Applicant

"EXAMPLE"

APPLICATION FOR EASEMENT RELEASES

File No. _____
Department Use Only

DATE: _____
Department Use Only

TYPE OF EASEMENT TO BE RELEASED

Type of Release: Full or Partial SF: 538 Acreage: 0.012 By: Document or Plat
Type of Easement: Drainage
Recorded in: Volume 4236, Page 12, Document No.: _____
County/Records: Travis; Deed Plat Real Property or Official Public (circle one)
Property address: 2500 N. Lamar
Purpose for release: To clear an encroachment of a swimming pool and deck into the drainage easement.

PROPERTY DESCRIPTION OF AREA TO BE RELEASED

Appraisal District Parcel #: 05-2345-1234
Survey & Abstract No.: John Applegate Survey No. 58
Lot(s): 5 Block: 10 Outlot: _____
Subdivision Name: North Lamar Park Annex
Plat Book/Volume: 56 Page Number: 98 Document Number: _____
Conveyed to: Lamar Jack, Inc.
Conveyed by (type of deed): Special Warranty Deed Dated: January 10, 1999
Volume: _____ Page Number: _____ Document Number: 199902341
County/Records: Travis; Deed Real Property or Official Public (circle one)

RELATED CASES

Existing Site Plan (circle one): YES / NO
Subdivision: Case (circle one): YES / NO

FILE NUMBERS

_____ SP-00-0000

_____ CA-00-0000

PROJECT NAME, if applicable:

Is this a S.M.A.R.T. Housing Project (circle one): YES / NO
Name of Development Project: The Vistas at Hollow Creek

OWNER INFORMATION

Name: Lamar Jack, Inc. (as shown on Deed)
Contact Person/Title: Jack Doe, Vice Present
Address: 1234 Browning St. Phone: (512) 555-5555 Fax No.: (512) 555-5551
City: Austin County: Travis State: TX Zip Code: 78745-1245
EMAIL ADDRESS: ljack@sbcglobal.com
(If multiple owners own the property to be released, please provide complete names and addresses for each owner, a separate sheet may be attached.)

APPLICANT INFORMATION

Name: Joe Freebird
Firm Name: Freebird Consulting, Inc.
Address: 3456 34th Street Phone: (512) 555-5553 Fax No.: (512) 555-5554
City: Austin State: TX Zip Code: 78745
EMAIL ADDRESS: jfreebird@austin.rr.com

The undersigned Landowner/Applicant understands that processing of this Easement Release Application will be handled in accordance with the Procedures for Requesting an Easement Release. It is further understood that acceptance of this application and fee in no way obligates the City to release the subject area.

Signed By: _____
Landowner/Applicant

EXHIBIT "A"

INSTRUCTIONS FOR SURVEYORS

EASEMENT RELEASE DESCRIPTIONS

(Effective: **July 18, 2012**)

It is the responsibility of the owner/applicant for the easement release to provide the surveyor with these guidelines and requirements. Copies of the application for release of easement and these guidelines are available on the City of Austin website: <http://www.austintexas.gov/department/real-estate-services>

1. PARTIAL EASEMENT RELEASE

- A. Metes and bounds description (Exhibit "A") of the area of the easement to be released signed (in blue ink), dated and sealed by a Texas Registered Professional Land Surveyor.
- B. Preamble needs current ownership and county clerk recording information and easement recording information (how dedicated).
- C. A surveyor's sketch (Exhibit "B") showing the area of the easement to be released with all improvements including but not limited to roof overhangs, concrete slabs, storage buildings, visible utilities or any improvements of a permanent nature. Sketch must be signed, dated and sealed. Improvements within ten (10') of the proposed area of easement release must be shown. This can be done on two sketches at same scale, one showing improvements, one showing just the area of easement release.
- D. Easement type - use the language in the granting clause as to type of easement to be released i.e.:
electric and telephone line easement, electric transmission and/or distribution easement, drainage and public utility easement, etc.

E. Certification (New)

Witness my hand this (To the City of Austin):

I, ____ (printed name) ____ licensed to practice Land Surveying in the State of Texas, hereby certify that the foregoing metes and bounds legal description and sketch were based on an on the ground survey, that all protrusions and encroachments into the easement area are accounted for including but not limited to, building footprint, eaves and roof overhangs and all visible improvements whatsoever.

Witness my hand and seal this _____, 2012. (Date).

Seal and signature

- F. Example attached (without certification)

2. ENTIRE EASEMENT RELEASE

- A. Preamble release description (Exhibit "A") may be used when the entire limits of the easement is being requested for release including how easement was dedicated and recorded and current ownership recording information. Signed (in blue ink) and Sealed by a Texas Registered Professional Land Surveyor.
- B. A surveyor's sketch (Exhibit "B") indicating location within the parent tract, record calls, dedication information (how?) all other dedicated easements affecting the parent tract or lot and improvements within or adjacent to the easement to be released.
- C. Example attached.

3. TP&L EASEMENT RELEASES

Contact our office for more information.

4. ALL SURVEY DOCUMENTS PROVIDED MUST BE ORIGINALS AND ON "8.5 X 11" PLAIN PAPER.

Effective July 18, 2012
Office of Real Estate Services

PARTIAL EASEMENT RELEASE EXAMPLE

EXHIBIT "A"

PARTIAL RELEASE OF A
DRAINAGE EASEMENT

FIELD NOTES FOR 772 SQUARE FEET OF LAND, MORE OR LESS, OUT OF LOT 36, BLOCK L, LONG CANYON III-A, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 97, PAGE 44, PLAT RECORDS IN TRAVIS COUNTY, TEXAS, SAID LOT 36 BEING THAT SAME TRACT OR PARCEL OF LAND CONVEYED UNTO HEATH SPERBER BY DEED RECORDED IN DOCUMENT NUMBER 2010150346 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, EASEMENT TO BE RELEASED DEDICATED TO THE CITY OF AUSTIN BY SAID SUBDIVISION PLAT OF LONG CANYON III-A, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 1/2" iron pin found at the southeast corner of said lot 36 and the northeast corner of lot 37, block L of said Long Canyon III-A subdivision;

THENCE, with the south property line of said lot 36 and the north property line of said lot 37, **S 67°30'00" W**, a distance of **227.27** feet to a calculated point;

THENCE, crossing said lot 36 the following two (2) calls:

- 1- **N 06°48'07" W**, a distance of **34.23** feet to a calculated point;
- 2- **N 02°30'10" W**, a distance of **9.65** feet to the south corner of the tract described hereof and the POINT OF BEGINNING;

THENCE, **N 27°02'08" W**, a distance of **55.86** feet to a calculated point for the west corner hereof;

THENCE, **N 53°15'15" E**, a distance of **28.06** feet to a calculated point for the north corner hereof;

THENCE, **S 02°30'10" E**, a distance of **66.60** feet to the Point-of-Beginning, containing **772** square feet of land, more or less.

THIS DESCRIPTION SHALL ACCOMPANY A SURVEY SKETCH LABELED TRI-TECH SURVEYING COMPANY, L.P., JOB NO. AUS-PL201-10.


As surveyed by:
TRI-TECH SURVEYING COMPANY, L.P.



Rizk H. Ikhras, R.P.L.S. # 5381



10-28-10
Date

Revised: 11-22-10


References

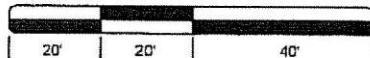
Austin Grid - E-31

TCAD Parcel No. 01-4227-01-50

Exhibit B

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

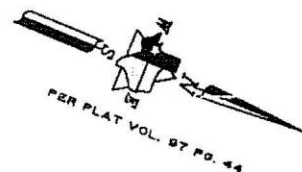
SCALE 1"=40'



CITY OF AUSTIN

VOL. 12735 PG. 646

LEGEND	
	1/2" IRON PIN FOUND
	1/2" IRON PIN W/CAP SET
	CALCULATED POINT
	BUILDING LINE
	P.U.E. PUBLIC UTILITY EASEMENT
	D.E. DRAINAGE EASEMENT
	RECORD INFORMATION
	WOOD FENCE
	CHAIN LINK FENCE
	IRON FENCE
	OVERHEAD UTILITIES
	GUY WIRE
	ELECT. BOX
	MANHOLE
	WATER METER
	FIRE HYDRANT
	UTIL. PEDestal
	LIGHT STANDARD



LOT 37

LOT 35

LOT 36, BLOCK L,
LONG CANYON III-A
VOLUME 97, PAGE 44
PLAT RECORDS,
TRAVIS COUNTY, TEXAS
HEATH SPERBER
DOC. NO. 2010150346

LINE TABLE

COURSE	BEARING	DISTANCE
L1	N 06°48'07" W	34.23'
L2	N 02°30'10" W	9.65'
L3	N 27°02'08" W	56.86'
L4	N 53°15'15" E	28.06'
L5	S 02°30'10" E	66.60'
L6	N 02°30'10" W	50.58'

5722 STANDING ROCK DRIVE (64' R.O.W.)

COPYRIGHT 2010 TRI-TECH
SURVEYING COMPANY, L.P.



TRI-TECH
SURVEYING COMPANY, L.P.

FORMERLY POINT-LINE SERVICES, INC.
FORMERLY D. SEEIG LAND SURVEYORS, P.C.

WWW.SURVEYINGCOMPANY.COM

8200 Cameron Rd. Ste. 160
Austin Texas, 78754

Phone: (512) 339-0808
Phone: (512) 440-0222
Fax: (512) 339-0807

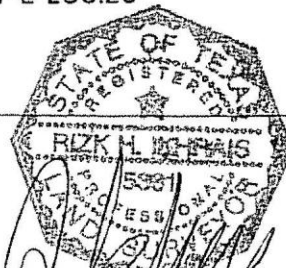
Use of this survey for any other purpose or
other parties shall be at their risk and
undersigned is not responsible to others for
any loss resulting therefrom.

Dated this the 26th day of October, 2010

Job No. AUS-PL201-10

Rizk H. Ikhras
Rizk H. Ikhras

RIZK H. IKHRAIS, R.P.L.S. 5381



ENTIRE EASEMENT RELEASE EXAMPLE

25' Electric Easement
to be released from Lot 14, Block A
The Summit at West Rim on Mount Larson Block A

Loomis Job No. T050311

FN1068(ktm)
Page 1 of 2

LEGAL DESCRIPTION

BEING ALL OF THAT 25 FOOT WIDE ELECTRIC EASEMENT ALONG THE REAR OF LOT 14, BLOCK A, AS SHOWN ON THE SUMMIT AT WEST RIM ON MOUNT LARSON BLOCK A, A SUBDIVISION OF A PORTION OF THE WILKENSON SPARKS SURVEY NO. 4, ABSTRACT NO. 21 AND OTHERS, IN TRAVIS COUNTY, TEXAS ACCORDING TO THE PLAT OF RECORD IN DOCUMENT NO. 199900144, OFFICIAL PUBLIC (PLAT) RECORDS OF TRAVIS COUNTY, TEXAS, SAID LOT 14, BLOCK A, BEING CONVEYED IN A SPECIAL WARRANTY DEED WITH VENDOR'S LIEN FROM PENTA DEVELOPMENT, LTD TO WILDE CUSTOM HOMES, INC. IN DOCUMENT NO. 2000179902, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 25 FOOT WIDE ELECTRIC EASEMENT IS TO BE RELEASED FROM SAID LOT 14, BLOCK A, AS SHOWN ON THE ACCOMPANYING SKETCH.

LOOMIS WORD FILE: FN1068 (ktm)

THE STATE OF TEXAS

§
§
§

KNOW ALL MEN BY THESE PRESENTS

COUNTY OF TRAVIS

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas on this 20th day of July 2010, A.D.



A handwritten signature of George L. Sanders in black ink.

George L. Sanders
Registered Professional Land Surveyor
No. 1838 - State of Texas
Loomis Partners, Inc.
3101 Bee Cave Rd. Ste. 100
Austin, TX 78746

References:

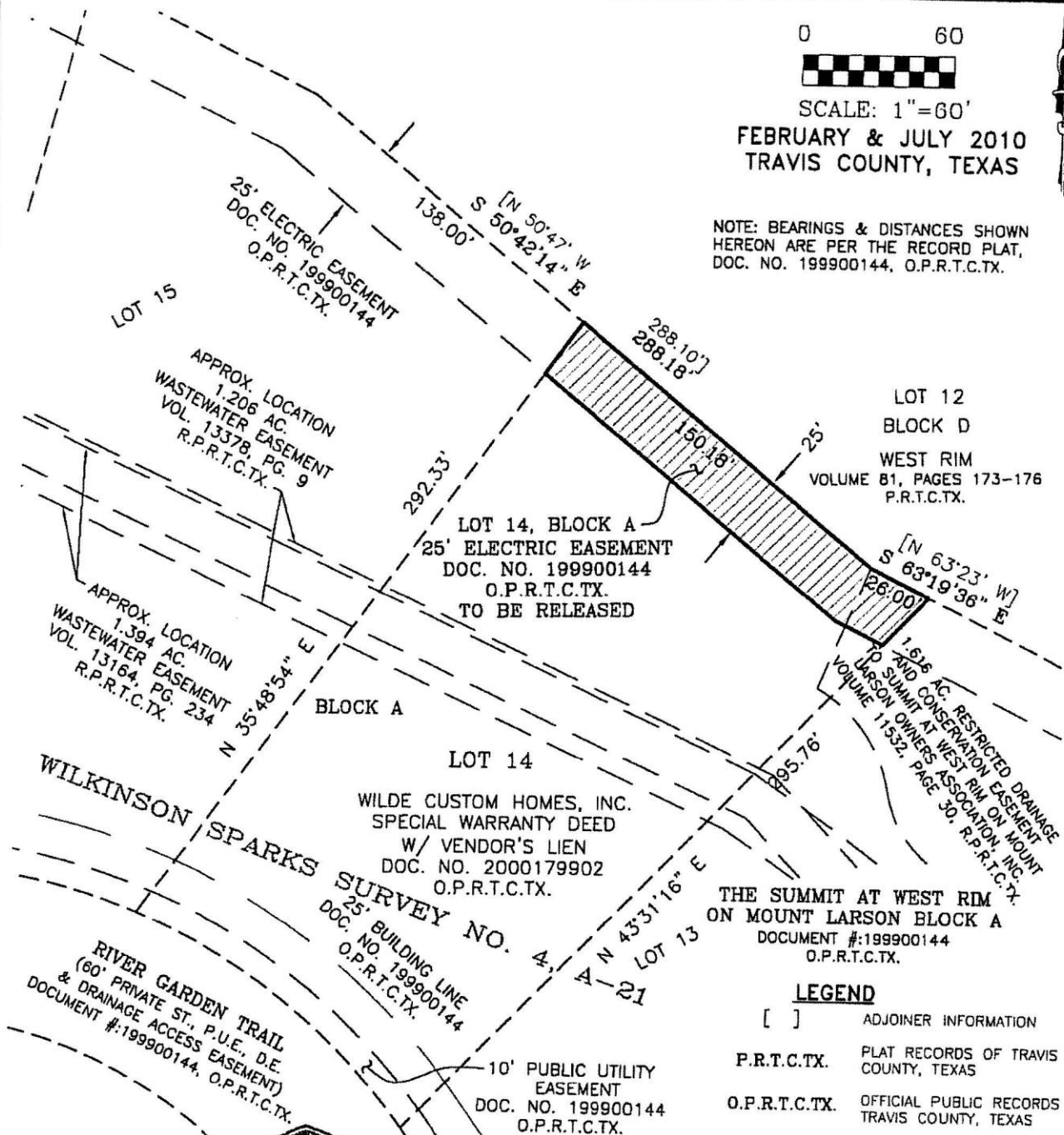
Austin Grid G-26
TCAD: Ref ID2 01-21110236

Reviewed: 08-02-10
A handwritten signature of Amy G. Jones in black ink.



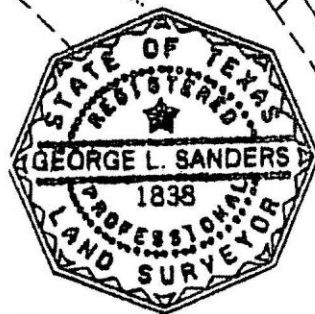
SCALE: 1"=60'
FEBRUARY & JULY 2010
TRAVIS COUNTY, TEXAS

NOTE: BEARINGS & DISTANCES SHOWN
HEREON ARE PER THE RECORD PLAT,
DOC. NO. 199900144, O.P.R.T.C.TX.



LEGEND

[]	ADJOINER INFORMATION
P.R.T.C.TX.	PLAT RECORDS OF TRAVIS COUNTY, TEXAS
O.P.R.T.C.TX.	OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS
R.P.R.T.C.TX.	REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS



George L. Sanders
GEORGE L. SANDERS
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 1838-STATE OF TEXAS
LOOMIS PARTNERS, INC.
3101 BEE CAVES ROAD, SUITE 100
AUSTIN, TEXAS 78746

7/20/2010
DATE

SHEET 2 OF 2



LOOMIS PARTNERS

■ ENGINEERING ■ LAND SURVEYING ■ ENVIRONMENTAL CONSULTING ■
3101 Bee Cave Road, Suite 100 ■ Austin, Texas 78746
[TEL] 512.327.1180 ■ [FAX] 512.327.4062 ■ www.loomis-partners.com

EXHIBIT TO ACCOMPANY
LEGAL DESCRIPTION FN1068

EXHIBIT "B"

EASEMENT DEDICATION INFORMATION

Please submit the following, if an easement is to be dedicated along with the easement release:

_____ A Lien Search Certificate on the property being dedicated to the City of Austin **not older than 2 weeks old.**

A Lien Search Certificate MUST include:

- 1) Owners name (who owns title to the property);***
- 2) Legal description of property to be dedicated; and***
- 3) Lienholders or a statement that there is no lien.***
- 4) Copies of all documents shown on the lien search certificate.***

_____ Signed and sealed field notes and sketch of the area to be dedicated prepared by a registered surveyor.

_____ A Corporate Resolution, a Partnership Agreement or a Sole Proprietor Document is required showing who is authorized to execute documents. **If a Corporate Resolution form is needed, please contact our office and we will provide appropriate one.**

Upon the review of the Lien Search Certificate by the Office of Real Estate Services (ORES), the following will apply:

- ORES will prepare the dedication document.
- ORES will prepare the Lienholder Consent to be executed by any/all lienholder(s) listed on the Lien Search Certificate, if applicable. Grantor will be responsible to incur all costs associated with obtaining the Lienholder Consent.
- If there is no lienholders or tenants, ORES will prepare an "Affidavit as to Debts, Liens and Occupancies".
- ORES will notify the applicant when the documents are ready for pickup to be executed and notarized.
- Upon receiving the executed easement dedication and lienholder consent or affidavit, the document will be forwarded to the department requesting the easement for their **"Approval and Acceptance"** of the easement dedication.
- Upon approval of the easement release request, the following documents will be sent to the County Clerk's office for recording: **1)** easement dedication; **2)** lienholder consent or affidavit; and **3)** easement release.
- **IF AN EASEMENT IS DEDICATED AND RECORDED WITHOUT CITY OF AUSTIN APPROVAL AND ACCEPTANCE, AN "AFFIDAVIT OF NON-ACCEPTANCE" WILL BE FILED BY THE CITY OF AUSTIN.**

PLEASE CALL OUR OFFICE, IF YOU HAVE ANY QUESTIONS REGARDING THIS INFORMATION.